Beatt. XI-27—46,004—21-10-27.

Public (1928) Department.

Gr 87 SERIES.

G.O. No. 347

DATED 16-4-28

[Despatch Abstract.]

Legislative Council Resolution re Budget motion — (not moved)

Arms Act — Issue of licences in S. Kanara Dt. — Policy of the D.M.

G.O. 347 Pub
16.4.28

L.C. McIvor - March 1928 -
Arms Act. Issue of Licenses
in S. Kanara Dt. - Policy
of D.M

Put up papers

G.O.	3179	Jud	"	15-12-1879
"	1867	Jud	Pres Compt	25-7-1916
"	968			1-5-1919
"	349	"	"	13-8-1923
"	428	"	"	14-10-1924
"	102	"	"	26-2-1925
"	720	"	"	16-12-1925
"	520	"	"	30-7-1926
"	628	"	"	13-10-1926
"	191	Pub	Routine	7-4-1927
"	989	Pub	Pres	13-10-1927

1/19

119 1

ASST. SECRETARY 3-MAR 1928

DEMAND X.

(399) Mr. K. R. Karant

p.125

To reduce the allotment of Rs. 20,38,600 for General Establishments by Rs. 100.

(To disapprove of the policy of the Dt. Magistrate of South Kanara in not issuing licenses for fire-arms in proper cases.)

Rev 37 D
Ap 3.3.28
D3 Minister
C Cell 3rd
Rev 948 C
Ap 3.3.28
Cy 3/3/28 C 3

Rev. Dept.

Jons.

The subject 'arms and explosives' is assigned to the Public Dept. This may be transferred to Rev. Dept.

RDN 5.3.28.

ASST. SECY. TO GOVT. - 5 MAR. 1928 - CHIEF SECT.

Ep. 3.3.28. Public
Cy 3/3/28

Reference Rev. No. 948 C/28-1 5-3-28.

2

CURRENT NO.

[redacted]

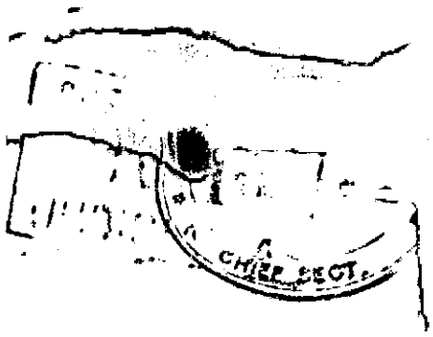
(396) Mr. K. R. Karant

To reduce the [redacted]lotment of [redacted] 20,38,600 [redacted] 100

for General Est[redacted]nts by

[redacted] Policy of the

Copy of Pl and



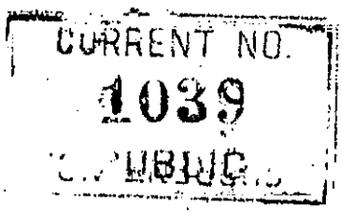
Special

DEMAND XV.

Mr.
240./K.R. Karant.
~~Rao Saheb~~
~~(240)~~ To reduce the allotment of Rs.1,22,95,200
for District Police by Rs.100
~~for~~

P.185.,

(To express disapproval of the
policy of the District Magistrate
of South Kanara in not issuing
licenses for firearms in
proper cases.



Judicial Dept -

Public (General) no

8.3.28

3/3

3.3.28

Public Department.

Please see budget motions in ft 1 and 3 and.

of para 7 of Govt's resolution at ft 4 of G.O. 537 Judl dated 21-12-23. (K)

Govt's resolution in unds/G.O. 968 Judl dated 1-5-1919 withdrawn

(+) para 1 of Govt's resolution at ft 3 of (K)

— do — + para 5, ft 2 of the Explanatory pamphlet Judl etc — removed.

The Arms Rules were revised in 1924 with a view to facilitate the grant of licences. All distinctions of a racial (x) character have been removed from the revised rules; but a licence is not to be granted to everybody who asked for it. The grant is governed by the broad principle that arms and ammunition must not be allowed to fall into the hands of lawless or dangerous persons. It is clearly impossible for an applicant to be personally known to the licensing authority, who in order to discharge properly the responsibility laid on him, must in many cases cause enquiries to be made through any agency he deems best into the bona fides of the applicant and his fitness to possess arms before he can grant a licence - vide para 5 on page 2 of the explanatory pamphlet not filed at flag W. In this Presidency licensing authorities ordinarily consult the police as regards the antecedents of the applicants but such consultation should be avoided in cases in which it is not necessary - vide para 6 of G.O.No.537 Judl.(Magl) dated 21-12-1923.

page 2 of (K)

No arbitrary limit has been fixed on the number of licences to be issued in a district - vide para 7 of G.O.No.567 Judl.(Magl) dated 21-12-1923.

2. Under Rule 43(1)(a) of the Indian Arms Rules, 1924, District Magistrates and the Commissioner of Police who are the licensing authorities, have a large discretion in the matter of grant, renewal, refusal or withdrawal of licences. The considerations by which they are usually guided are--

(1) character of the applicant, his antecedents and status. The possession of any one of the qualifications specified in para 5 of G.O.No.567 Judl. (Magl) dated 21-12-1923 connotes sufficient evidence of respectability to warrant the grant of a licence without further enquiry unless the licensing authorities have a sufficient and definite reason for refusal or for ordering enquiry;

(2) the necessity for the weapon;

(3) danger to the public tranquillity;

(4) partizanship of the applicant in village factions;

(5) likelihood of poaching;

(6) ability of the applicant to use the weapon;

(7) safety of the locality; and

(8) age of the applicant.

Licences are refused to convicts, suspects, persons of doubtful loyalty, factionists and bad characters.

3. As regards crop protection licences the licensing authorities are required to exercise a

a very careful discretion before refusing a licence to bona fide cultivators, occupiers or owners of land or other respectable persons or known shikaris of villages and to satisfy themselves that there are well-established reasons of character or danger to the public peace before doing so - vide para 3 of G.O.No.3179 Judl. dated 15-12-1879. Freer issue of these licences is the policy recommended by the Arms Act Committee and approved by the Government of India. Vide para 11 of G.O.No.537 Judl.(Magl) dated 21-12-1923.

Licences for revolvers and pistols are to be issued only in cases of real necessity and to persons of approved character - vide G.O.751, Home(Judl.) dated 19-3-1920 and para 2 of Govt. of India's letter printed as paper No.II on pp. 1-2 of G.O.No.1080 Public, dated 5-11-1927.

Proviso to Rule 43(1) of the Indian Arms Rules, 1924, provides for an appeal to the immediate superior officer of the authority who originally refused the licence. Any one who feels himself aggrieved may therefore appeal to the local Government.

~~District Magistrate or the Commissioner of Police.~~

b ~~a.~~ In the budget motion on pages 143 ante the M.L.C. proposes to discuss the policy of the District Magistrate of South Kanara for not issuing licences for fire arms in proper cases. Presumably he the ~~two~~ has in view the case of Mr.Sesha Bhat Bhide, a Municipal Councillor of Mangalore who was refused a revolver licence by the District Magte. A question on this subject was brought forward by the same M.L.C. but was subsequently withdrawn - vide G.O.No.125 Public, dated 14-2-1920. Mr.Bnide has appealed to Government ~~and~~ his appeal, the D.M.'s remarks thereon are in the c.f. in the linked file. The licence was refused because the D.M. considered unnecessary to grant it.

7 ~~b.~~ The following figures show the number of licences granted by the District Magistrate in South Kanara ~~during the past~~ for 5 years during the from 1922 :-

Year.	No. of licences	
1922	~~5849~~ 5615	—
1923	~~5821~~ 5906	—
1924	~~5869~~ 5975	—
1925	~~6185~~ 6284	—
1926	~~6629~~. 6733	—

Col 16, f 2 g Go 349 Jud (Mad) 12/8/03 (B)

Col 16, f 2 g Go 498 14/10/24 (R)

Col 16, f 2 g Go 720 Jud 14/10/25 (M)

Col 16, f 2 g Go 627 Jud 13/10/26 (Y)

Col 16, f 2 g Go 989 Pub 13/10/27 (C)

13. 10/3/28 b A statement showing the

29
12.3.28

8

the no. of several Kinds of fire-arms in the (licensed) in the possession of the public in S. Kanara is noted at flag (Z).

MM 10.3.28

C.S.

Has any one in S. Kanara District besides Mr K.S. Hegde appealed against an order of the D.M. refusing a licence during the last year. If so the papers may be added to the file; otherwise

ajr
11.3.28

P.S. I am not sure when this point comes up. If there is no time to look up the point above submit the papers at once.

ajr
11.3.28

[119 to be put under Demand I - May come up on 16-3-28]

One Chendoo Poojary appealed to Govt in March 1927 against the order of the D.M., South Kanara, refusing to sanction the transfer to the appellant of his cousin's crop-protection licence for a S.B.M.L gun - Go R 191 Pub & 7-4-27. [there was one case in 1926 - Go 520 Jud & 30.7.26 & none in 1925].

14/3/28

Q

C.S. MM 12.3.28 ajr 13/3

C2

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Pub. Dept.

The motion was not discussed in Council. The papers may be recorded in a G.O. for future reference.

Abstract.

Legislative Council Resolution

March 1928 – Budget motion – (not moved) Issue of Arms Act – Licences [redacted] in S. Kanara Dt – Policy of the D.M.

G.

11/4

K.R.

17/4/28

17.4.28

G.O. 347 Rev & 16.4.28

✓

Statement showing the no of several kinds of fire arms (licensed) in the possession of the public in S. Kanara Dt.

year.	Rifled arms	Breach-loading guns.	Muzzle-loading guns.	Revolvers.	Pistols.	
1922	22	231	5172	77	18.	[illegible] Gr 3249 Instl mags. 13/8/23.
1923	30	275	5388	78	20	[illegible] Gr. 428 Instl Mags. 14.10.24
1924	38	364	5370	81	19.	[illegible] Gr. 720 Instl 16/11/25
1925	31	414	5641	79	22.	[illegible] Gr. 620 Instl 18/11/26.
1926	30.	493	6002	82	24.	[illegible] Gr 989. Instl 18/11/27

N/1970